



IFW

00862.022227.1

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hiroshi KUROSAWA) : Examiner: R. E. Fuller
Application No.: 10/676,156) : Group Art Unit: 2851
Filed: October 2, 2003) : Confirmation No.: 6709
For: EXPOSURE APPARATUS, MAINTENANCE) :
METHOD THEREFOR, SEMICONDUCTOR :
DEVICE MANUFACTURING METHOD, AND) :
SEMICONDUCTOR MANUFACTURING :
FACTORY) :
March 3, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: **Mrs. Jones, Legal Instruments Examiner (LIE)**
Group Art Unit 2851

LETTER IN RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

This letter is in response to the Notice of Non-Compliant Amendment dated February 3, 2005, in the above-identified application. For the reasons set forth below, Applicant submits that the Amendment filed on Monday, January 24, 2005, was proper and, therefore, should have been entered in the ordinary course.

Applicant filed the instant application on October 2, 2003, together with a Preliminary Amendment. In the Preliminary Amendment, Applicant requested that claims 1-40 (*sic* 1-42) be canceled without prejudice or disclaimer, and that claims 41-52 (*sic* 43-54) be added. Applicant

made a mistake in the claim numbering in that Preliminary Amendment inasmuch as it was intended that original claims 1-42 of the subject application be canceled. This means that rather than canceling claims 1-40, Applicant intended to cancel claims 1-42, and rather than adding claims 41-52, Applicant intended to add claims 43-54. In the Office Action dated October 22, 2004, the Examiner noticed this error. In this regard, on page 2 of that Office Action, at item 1, the Examiner noticed the typographical error and he corrected the instructions given in the Preliminary Amendment in order to cancel claims 1-42. In addition, the Examiner re-numbered claims 41-52, as presented in that Preliminary Amendment, as claims 43-54. This is exactly what Applicant had intended.

Turning now to the Amendment filed on Monday, January 24, 2005, Applicant canceled (re-numbered) claims 49-54 (which were previously, incorrectly numbered as claims 47-52 in the above-noted Preliminary Amendment), and Applicant amended newly numbered claims 43-46 and 48 (which were previously, incorrectly numbered claims 41-44 and 46, respectively). Accordingly, in that Amendment, Applicant used the correct claim identifiers in showing that correctly-numbered claims 1-42 and 49-54 had been canceled, and that correctly-numbered claims 43-46 and 48 were amended. Applicant submits that the claim identifiers used in this Amendment were in keeping with the proper claim numbering, which was established by the Examiner in the above-noted Office Action.

Now, turning to the Notice of Non-Compliant Amendment, which sets forth that (1) improper claim identifiers had been used with reference to claim 47, in particular, and (2) there are only 52 claims, but the Amendment is cancelling claims 49-54, again, Applicant contends

that the Amendment filed on Monday, January 24, 2005, is correct based on Applicant's intentions, and the Examiner's correction made in the Office Action dated October 22, 2004.


For the reasons noted above, Applicant requests entry and proper consideration of the Amendment filed on Monday, January 24, 2005.

Should any matters be deemed outstanding, precluding examination of the above-noted Amendment, Applicant requests that either the Examiner or the Legal Instruments Examiner contact Applicant's undersigned representative.

Applicant further submits that the instant application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", followed by a horizontal line.

Attorney for Applicant
Steven E. Warner
Registration No. 33,326

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